

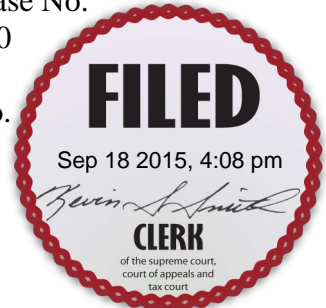
**In the  
Indiana Supreme Court**

Timothy McNAMARA, et al.,  
Appellants,

v.

ZOLLMAN FARMS INC., et al.,  
Appellees.

) Supreme Court Case No.  
) 36S05-1506-PL-367  
)  
) Court of Appeals Case No.  
) 36A05-1404-PL-180  
)  
) Trial Court Case No.  
) 36D01-1205-PL-11



**Published Order**

By order dated June 11, 2015, the Court granted a petition seeking transfer of jurisdiction from the Court of Appeals. After further review, including consideration of the points presented by counsel at oral argument and discussion among the Justices in conference after the oral argument, the Court has determined that it should not assume jurisdiction over this appeal and that the Court of Appeals decision, McNamara v. Zollman Farms, Inc., No. 36A05-1404-PL-180 (Ind. Ct. App. Jan. 13, 2015), should be reinstated as a memorandum decision.

Accordingly, the order granting transfer is VACATED and transfer is hereby DENIED. Pursuant to Appellate Rule 58(B), this appeal is at an end.

Done at Indianapolis, Indiana, on 9/18/2015.

FOR THE COURT



Loretta H. Rush  
Chief Justice of Indiana

Rucker, David, and Massa, JJ., concur.

Rush, C.J., and Dickson, J., dissent from the denial of transfer.